

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the
Substantively Consolidated SIPA
Liquidation
of Bernard L. Madoff Investment Securities
LLC and the Chapter 7 Estate of Bernard L.
Madoff,

Plaintiff,

v.

KOCH INDUSTRIES, INC., as successor in
interest of Koch Investment (UK)
Company,

Defendant.

SDNY Case No. _____

Bankruptcy Court
Adv. Pro. No. 08-01789 (CGM)

SIPA LIQUIDATION

(Substantively Consolidated)

Bankruptcy Court
Adv. Pro. No. 12-01047 (CGM)

NOTICE OF APPEAL

Part 1: Identify the Appellant (s)

1. **Name(s) of appellants:** Koch Industries, Inc.
2. **Position of appellant(s) in the adversary proceeding that is the subject of this appeal:** Defendant

Part 2: Identify the Subject of this Appeal

1. **Describe the judgment, order or decree appealed from:**
 - a. Order Denying Koch Industries, Inc.’s Motion to Dismiss the Complaint (ECF No. 122) (the “Order”) (attached as Exhibit A). The Order was based on the Memorandum Decisions Denying Defendant’s Motion to Dismiss (ECF No. 118) (the “Decisions) (attached as Exhibit B).
2. **State the date on which the judgment, order or decree was entered:**
 - a. The order was entered on November 30, 2022 and the Decision was entered on November 21, 2022.
 - b. A stipulation and order extending Defendant’s time to Appeal (ECF No. 124) was entered on December 6, 2022.

Part 3: Identify the Other Parties to the Appeal

1. **List the names of all parties to the judgment, order, or decree appealed from and the names, addresses and telephone numbers of their attorneys:**

<u>Defendant-Appellant</u>	<u>Attorneys</u>
Defendant Koch Industries, Inc.	Jonathan P. Guy James W. Burke (admitted <i>pro hac vice</i>) ORRICK, HERRINGTON & SUTCLIFFE LLP 1152 15th Street, N.W.

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<u>Plaintiff-Appellee</u>	<u>Attorneys</u>
<p>IRVING H. PICARD, Trustee for the Substantively Consolidated SIPA Liquidation of Bernard L. Madoff Investment Securities LLC and the Chapter 7 Estate of Bernard L. Madoff</p>	<p>David J. Sheehan Eric R. Fish Marc E. Hirschfield 45 Rockefeller Plaza New York, New York 10111 Telephone: (212) 589-4200 Facsimile: (212) 589-4201 dsheehan@bakerlaw.com</p>

Part 4: Optional Election to Have Appeal Heard by District Court

Not applicable in this District.

Part 5: Signature

Dated: January 4, 2023

Respectfully submitted,

/s/ Jonathan P. Guy

Jonathan P. Guy

James W. Burke (admitted *pro hac*
vice)

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Attorneys for Koch Industries, Inc.

January 4, 2023

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of the Court for the United States Bankruptcy Court for the Southern District of New York by using the CM/ECF system on January 4, 2023.

I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system and by U.S. mail.

/s/ Jonathan P. Guy
Jonathan P. Guy
Attorney for Koch Industries, Inc.